

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): James A. Howell Jr.

Assignee: Dell Products L.P.

Title: System for Pre-Trustign of Applications for Firewall Implementations

Serial No.: 10/734,840 Filing Date: December 12, 2003

Examiner: Monjur Rahim Group Art Unit: 2434

Docket No.: DC-05850 Customer No. 33438

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February 9, 2009

*Filed Electronically*

**PRE-APPEAL BRIEF REQUEST FOR REVIEW  
AND STATEMENT OF REASONS**

Sir:

Applicant requests review of the Final Office Action in this application. No amendments are being filed with the request. This request is being filed with a Notice of Appeal. The following sets forth a succinct, concise, and focused set of arguments for which the review is being requested.

**CLAIM STATUS**

Claims 1-17 are pending. Claims 1-17 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Valys, U.S. Patent No. 6,549,914 (Valys) in view of Coss et al., U.S. Patent No. 6,154,775 (Coss).

**REMARKS**

The present invention generally relates to dynamically generating a list of applications on an individual machine that a firewall application should enable access to the internet by default is provided. The process is based upon an assumption that applications installed during the factory install process are safe and have not had a chance to be modified by a Trojan since the machine has not yet been connected to the internet. The list is generated via registering applications during factory installation and expecting firewall application providers to scan this list of

registered applications during the installation or setup of the firewall application and to add all applications in the list to the list of default trusted applications.

Valys discloses a method for preloading of an image in a computer system. The method includes statistically analyzing a bandwidth requirement of computer readable files to be downloaded to a target computer during a software download portion of a computer manufacturing process. The files are ordered into an ordered list of files as a function of the analyzed bandwidth requirements. Lastly, files from the ordered list of files are selected for inclusion in a preload image as a function of prescribed manufacturing criteria.

In Valys, there is no disclosure or suggestion of providing an identifier for a software application to a list of trusted applications during a factory install process, much less where the identifier is added to the list of trusted applications to represent an application which is not subject to malicious modification based upon an assumption that applications installed during the factory install process are safe, as is required by claims 1, 8 and 15. Coss does not address this deficiency.

Coss discloses a computer network firewalls which include features for increased processing efficiency. Coss discloses providing dynamic rules which are included within access rules for processing along with the access rules. The dynamic rules can include unique, current information such as specific source and destination port numbers. (See e.g., Coss, Col. 8, lines 28 – 39.)

As with Valys, there is no disclosure or suggestion in Coss of providing an identifier for a software application to a list of trusted applications during a factory install process, much less where the identifier is added to the list of trusted applications to represent an application which is not subject to malicious modification based upon an assumption that applications installed during the factory install process are safe, as is required by claims 1, 8 and 15.

In response to these arguments, the examiner sets forth:

Valys mention files preloaded image with the file identification. So, this identification is the identifier for a file, where file can be interpreted as software. Please see Abstract, “the system analysis statistically the bandwidth requirement of computer readable files to be downloaded to the target computer (88). Statistical file preload image with file identification and corresponding signatures are stored in a storage device. The

files are ordered into list of files based on analyzed bandwidth. The difference images with rpelode image (60) are combined according to recombination instructions". (Final office action dated December 10, 2008.)

The examiner goes on to set forth:

Coss discloses that the firewall load dynamic rules to perform action to identify the security status, which translate as "trust". See Coss, col 10, lines 5-17. (Final office action dated December 10, 2008.)

However, as discussed, neither Valys or Coss, taken alone or in combination, disclose adding an identifier for the software application to a list of trusted applications during the factory install process (disclosure of a firewall load of dynamic rules in Coss does not provide such a disclosure), much less where the identifier is added to the list of trusted applications to represent an application which is not subject to malicious modification based upon an assumption that applications installed during the factory install process are safe (providing a preloaded image with a file identification of Valys is not a disclosure or suggestion of representing an application which is not subject to malicious modification based upon an assumption that applications installed during the factory install process are safe), as required by claims 1, 8 and 15.

Accordingly, Valys and Coss, taken alone or in combination, do not teach or suggest a method for pre-trusting applications for a firewall application where the method includes adding an identifier for the software application to a list of trusted applications *during a factory install process*, much less where the identifier is added to the list of trusted applications *to represent an application which is not subject to malicious modification based upon an assumption that applications installed during the factory install process are safe*, all as required by Claim 1 and as substantially required by claims 8 and 15. Accordingly, Claims 1, 8 and 15 are allowable over Valys and Coss. Claims 2-7 depend from Claim 1 and are allowable for at least this reason. Claims 9-14 depend from Claim 8 and are allowable for at least this reason. Claims 16 and 17 depend from Claim 15 and are allowable for at least this reason.

## **CONCLUSION**

In view of the remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the Examiner is requested to telephone the undersigned at 512-338-9100.

### CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being electronically submitted to the COMMISSIONER FOR PATENTS via EFS on February 9, 2009.

*/Stephen A. Terrile/*

Respectfully submitted,

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